


**CRIMINAL COMPLAINT**  
(Submitted electronically)

<b>United States District Court</b>	DISTRICT of ARIZONA
<b>United States of America</b>  v.  <b>Gerardo Hernandez</b> DOB: 1982; United States Citizen	DOCKET NO.   MAGISTRATE'S CASE NO.  22-00746MJ
Complaint for violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A)(vi)	
<b>COMPLAINANT'S STATEMENT OF FACTS CONSTITUTING THE OFFENSE OR VIOLATION:</b> On or about December 4, 2022, at or near Nogales, in the District of Arizona, <b>Gerardo Hernandez</b> did knowingly and intentionally possess with intent to distribute 400 grams or more of a mixture or substance containing a detectable amount of fentanyl, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A)(vi).	
<b>BASIS OF COMPLAINANT'S CHARGE AGAINST THE ACCUSED:</b>  On December 4, 2022, <b>Gerardo Hernandez</b> entered the United States from the Republic of Mexico through the vehicle lanes of the Mariposa Port of Entry in Nogales, Arizona. <b>Hernandez</b> was the passenger in a 2001 Dodge Caravan, owned and driven by another person. The Customs and Border Protection Officer (CBPO) took a binding negative declaration from <b>Hernandez</b> and the driver.  In post-primary, a Z-Portal x-ray scan of the vehicle revealed anomalies consistent with drug packaging in the front and back seats. In further inspection of the front and back seats, CBPOs discovered 43 packages of suspected narcotics. A representative sample of the contents of the packages tested positive for the characteristics of fentanyl. The fentanyl had total weight of 49.9 kilograms.  In a post-Miranda statement, <b>Hernandez</b> stated that he was recruited by an unnamed individual on Facebook to make some money in Mexico. <b>Hernandez</b> stated he arrived in Mexico with the driver and left the driver at her mother's house while he went to a grocery store on the west side of Nogales, Sonora, Mexico. At the store, <b>Hernandez</b> stated that he met an unnamed individual who took the vehicle for an unknown amount of time and then returned it back to the grocery store. <b>Hernandez</b> stated he wasn't sure what they had put inside his vehicle, but he stated he knew whatever it was, it was illegal. <b>Hernandez</b> stated he was going to be paid \$5,000 for taking the vehicle north. <b>Hernandez</b> stated he figured it was "bud" or "meth" or maybe currency. <b>Hernandez</b> stated this was his idea solely and that the driver had no idea he was using her vehicle to smuggle contraband.	
MATERIAL WITNESSES IN RELATION TO THE CHARGE:	
<b>REQUEST DETENTION</b>  Being duly sworn, I declare that the foregoing is true and correct to the best of my knowledge.	<b>SIGNATURE OF COMPLAINANT</b>  <b>JASON R CARY</b> Digitally signed by JASON R CARY Date: 2022.12.05 12:21:10 -07'00'  <b>OFFICIAL TITLE</b> SA Jason Cary Homeland Security Investigations
Sworn to telephonically.	
SIGNATURE OF MAGISTRATE JUDGE 	DATE December 5, 2022

1) See Federal rules of Criminal Procedure Rules 3, 4.1 and 54